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REHEARING 1/18/2011

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BEFORE THE ARIZONA CORPORATION COMMISSION

2010 DEC 29 A 11: 07 Arizona Corporation Commission

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**KRISTIN K. MAYES, Chairman**  
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**BOB STUMP**

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IN THE MATTER OF THE  
APPLICATION OF TUCSON ELECTRIC  
POWER COMPANY FOR APPROVAL OF  
ITS 2011 RENEWABLE ENERGY  
STANDARD IMPLEMENTATION PLAN  
AND DISTRIBUTED ENERGY  
ADMINSTRATIVE PLAN AND REQUEST  
FOR RESET OF RENEWABLE ENERGY  
ADJUSTOR

DOCKET NO. E-01933A-10-0266

**APPLICATION FOR REHEARING  
OF DECISION NO. 72033**

In accordance with A.R.S. § 40-253, Freeport-McMoRan Copper and Gold Inc. and Arizonans for Electric Choice and Competition (hereafter collectively "AECC") hereby submit this Application for Rehearing of Decision No. 72033 (December 10, 2010) in the above-captioned matter. AECC seeks a rehearing in this matter because there is an obvious error in the final order. During the Open Meeting of November 22 and 23, 2010, the Arizona Corporation Commission deliberated the recommended opinion and order rendered in this proceeding. Commissioner Newman offered several amendments, including Proposed Amendment No. 6 ("Amendment"). The Amendment contained language that would shift more of the burden of funding requirements for Tucson Electric Power Company's REST Implementation Plan on AECC members. After some discussion between the Commission and parties at the Open Meeting, Commissioner Newman withdrew the Amendment. Tr. at 86:24-105:6.

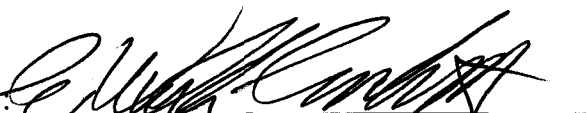
Despite having withdrawn the Amendment, the language contained therein was still incorporated into the December 10, 2010 order. Based on the record, it is clear that the language contained in Findings of Facts, ¶ 67-69, at page 18 lines 1-14 and two

1 ordering paragraphs found on page 20, lines 21½-26 of the order is in error and should be  
2 deleted from the order.

3 AECC further requests that pending correction of the error, that enforcement of  
4 that portion of the order that relates to the Amendment be stayed.

5 RESPECTFULLY SUBMITTED this 29<sup>th</sup> day of December, 2010.

6 FENNEMORE CRAIG, P.C.

7  
8 By:   
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13 Choice and Competition

13 **ORIGINAL** and 13 copies filed  
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19 **COPY** hand-delivered this 29<sup>th</sup> day  
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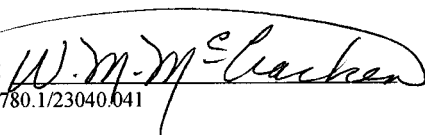
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